

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application:

Serial No. 10/525611

Conf. No.: 7948

Attorney Docket: MOXT-002-US

REPLY TO RESTRICTION REQUIREMENT / ELECTION OF SPECIES

To: Commissioner for Patents
Filed Via EFS-Web, Monday, 4/5/10

Dear Sir or Madam:

In reply to the Office Action mailed 12/3/09: The Action states in pertinent part at Page 2 that: "Applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted ... Group I, claim(s) 27-33, 42-44, 46, 48, 50, 52 and 54 drawn to a method of making a doped metal oxide ..." The Action further states in pertinent part at Page 4 that "the reply to this requirement to be complete must include (i) an election of a species or invention to be examined ... and (ii) identification of the claims encompassing the elected invention."

In response, the Applicant states, for the purpose of this Reply and without any admission as to the claims, that: (i) without traverse, the Applicant elects to be examined the "Group I" asserted on Page 2 of the Action, (ii) utilizing the identification of claims asserted at that point of the Action, i.e., Claims 27-33, 42-44, 46, 48, 50, 52 and 54.

The Action further states in pertinent part at Page 3, that "this application contains claims directed to more than one species ... The species are as follows: ... a. Specie I, method of making a p-type metal oxide ... The claims are deemed to correspond to the species listed above in the following manner: ... Specie I: claims 30, 31, 48 and 50 ..."

In response, the Applicant states, for the purpose of this Reply and without any admission as to the claims, that: (i) without traverse, the Applicant elects the "species" asserted in the Action comprising alleged "Specie I" for prosecution on the merits if no generic claim is finally held to be allowable, (ii) utilizing the identification of claims asserted at that point of the Action, i.e., claims 30, 31, 48 and 50.

No admission is made hereby. The Examiner is respectfully invited to contact the undersigned if any questions exist as to the above elections.

Respectfully submitted,

/David Jacobs/

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